

REMARKS

Summary of Office Action

Claims 1-27 are pending in this application. Claims 22-27 were withdrawn from consideration pursuant to a restriction requirement.

The Examiner rejected claims 1, 8, and 9 under 35 U.S.C. § 102(b) as being anticipated by Myerson et al. U.S. Patent No. 3,063,450 (hereinafter "Myerson"). Dependent claims 2-8 were rejected under 35 U.S.C. § 103(a) as being obvious from Myerson.

Claims 10-27* were rejected under 35 U.S.C. § 103(a) as being obvious from Myerson in view of Sarnoff et al. U.S. Patent No. 4,755,169 (hereinafter "Sarnoff").

Lastly, the Examiner objected to the drawings for not showing every feature of the invention specified in the claims.

Summary of Applicant's Reply

**Please change the Attorney Docket from "008306-0304853" to
11201-735-999.**

Applicant has amended dependent claims 8 and 17 to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

* Applicant assumes the Examiner meant claims 10-21, since claims 22-27 were withdrawn.

Objection to the Drawings

The Examiner objected to the drawings for not showing every feature specified in the claims. In particular, the Examiner said “the front exterior and front interior surfaces [of the wall of the cap defined in claims 1 and 10] must be shown (and described in the specification) or the features canceled from the claims.”

This objection is respectfully traversed.

The front exterior and front interior surfaces of the wall of the cap are both shown in the drawings and described in the specification. *See, e.g.*, FIG. 4, wall 50 of cap 40. The left side of the wall is the exterior surface and the right side of the wall is the interior surface. *See, also, e.g.*, applicant’s specification as follows:

Page 7, paragraph 28, line 1: “the hub and needle assembly 14 comprises a rigid cap or skirt 40” (emphasis added);

Page 7, paragraph 30, lines 6-8: “The needle-supporting end or portion 50 of the skirt 40 ... comprises a wall” (emphasis added);

Page 8, paragraph 31, lines 1-2: “The first molded hub portion 42 is positioned along the interior of the needle-supporting end 50 of the skirt 40” (emphasis added); and

Page 8, paragraph 34, lines 1-2: “The second molded hub portion 44 abuts the exterior surface of the needle-supporting end 50” (emphasis added).

However, to make the drawings and specification more clear with respect to the front exterior and front interior surfaces of the wall, applicant has amended FIG. 4 to include reference numerals “50a” and “50b” to designate the interior and exterior surfaces, respectively,

and has amended the specification on pages 8 and 9, paragraphs 31 and 34, to include those reference numerals.

Accordingly, applicant respectfully requests that the objection to the drawings be withdrawn.

Rejections of Claims 1-9 Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 8, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Myerson. Dependent claims 2-8 were rejected under 35 U.S.C. § 103(a) as being obvious from Myerson.

These rejections are respectfully traversed.

Independent claim 1 requires (1) a first hub portion having a section that extends along the front interior surface of the wall of the cap, (2) reinforcing structures of the second hub portion extending outwardly along and contacting the front exterior surface of the wall, and (3) the wall adjoined by the first hub portion on the front interior surface and by the second hub portion on the front exterior surface.

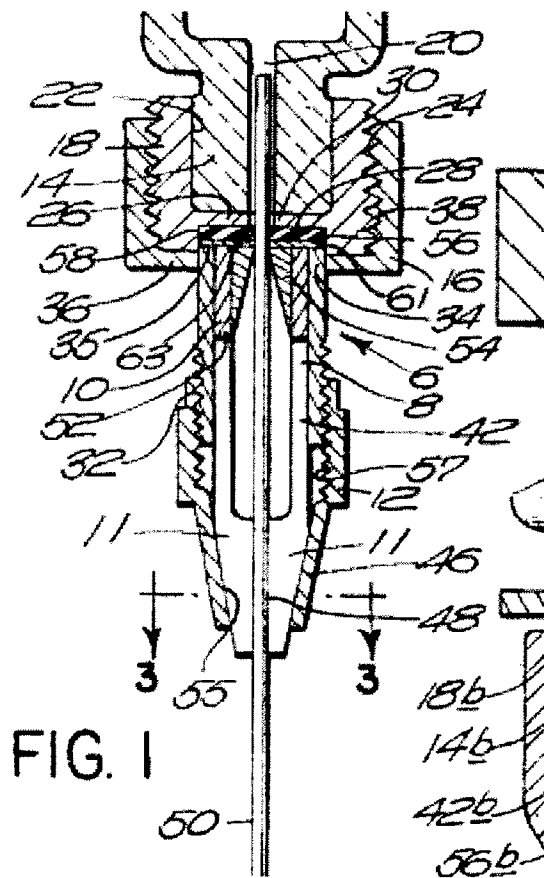
Myerson does not meet the requirements of claim 1.

The Examiner equated applicant's cap with Myerson's nut portion 16 and nipple fitting 18, and applicant's wall with Myerson's end wall 36.

The Examiner equated applicant's first hub portion with Myerson's vise 8 and gripping jaws 11.

And the Examiner equated applicant's second hub portion with Myerson's screw cap 12.

As shown in Myerson's FIG. 1, a portion of which is reproduced and enlarged below for convenience, Myerson's vise 8 and gripping jaws 11 (\approx the first hub assembly) do not extend along the front interior surface of end wall 36. Indeed, the assembly of vise 8, gripping jaws 11, and tube 10 is press fit into aperture 34 in end wall 36 (see column 3, lines 63-66). No part of vise 8, jaws 11, and tube 10 extends along the front interior surface of end wall 36.



Myerson's screw cap 12 (\approx the second hub assembly) does not have reinforcing structures that extend outwardly along and contact the front exterior surface of end wall 36. Indeed, screw cap 12 does not engage end wall 36 at all.

Consequently, Myerson's end wall 36 is not adjoined on the front interior surface by vise 8 and gripping jaws 11 (\approx the first hub assembly) or on the front exterior surface by screw cap 12 (\approx the second hub assembly).

Contrast Myerson to applicant's invention where, "[a]s can be seen most clearly in FIGURE 4, the needle-supporting end 50 of the skirt 40 is essentially 'sandwiched' between the first and second molded hub portions 42, 44" (applicant's specification, page 7, paragraph 30, lines 8-10.)

Myerson therefore does not anticipate independent claim 1, which should be allowable.

For at least these reasons, dependent claims 2-9, which depend directly or indirectly from independent claim 1, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Moreover, amended dependent claim 8 requires the second hub portion to have a supporting portion that extends beyond the first hub portion and along the needle. Myerson's screw cap 12 (\approx the second hub assembly) does not extend beyond Myerson's vise 8 and gripping jaws 11 (\approx the first hub assembly) and along needle 50. Thus, claim 8 is also not anticipated by or obvious from Myerson for that reason.

Accordingly, applicant respectfully requests that the rejections of claims 1-9 under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

Rejections of Claims 10-21 Under 35 U.S.C. § 103(a)

Claims 10-21 were rejected under 35 U.S.C. §103(a) as being obvious from the combination of Myerson and Sarnoff.

These rejections are respectfully traversed.

Sarnoff was cited to show an automatic injector with a housing, cartridge, and actuation assembly. Accordingly, Sarnoff does not make up for the deficiencies of Myerson as discussed above with respect to applicant's claim 1.

Therefore, independent claim 10, which also requires (1) a first hub portion having a section that extends along the front interior surface of the wall of the cap, (2) reinforcing structures of the second hub portion extending outwardly along and contacting the front exterior surface of the wall, and (3) the wall adjoined by the first hub portion on the front interior surface and by the second hub portion on the front exterior surface, is not obvious from the combination of Myerson and Sarnoff and should thus be allowable.

For at least these reasons, dependent claims 11-21, which depend directly or indirectly from independent claim 10, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

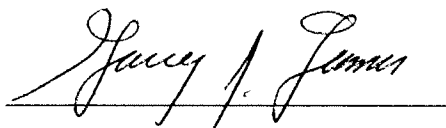
Moreover, amended dependent claim 17 requires the second hub portion to have a supporting portion that extends beyond the first hub portion and along the needle. Myerson's screw cap 12 (\approx the second hub assembly) does not extend beyond Myerson's vise 8 and gripping jaws 11 (\approx the first hub assembly) and along needle 50. Thus, claim 17 is also not anticipated by or obvious from Myerson for that reason.

Accordingly, applicant respectfully requests that the rejections of claims 10-21 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-21 are allowable. Therefore, subject to the disposition of withdrawn claims 22-27, this application is in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

Garry J. Tuma
Registration No. 40,210
Attorney for Applicant

JONES DAY
Customer No. 20583
222 East 41st Street
New York, New York 10017
(212) 326-3939

Attachments: FIG. 4 Annotated Sheet
FIG. 4 Replacement Sheet

Application No. 10/797,565

Attorney Garry J. Tuma (40.210)

